

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7623 of 2005

Between:

D. Satya Srihari Rao, S/o Satyanarayana
R/o Kovvada, Kakinada Rural Mandal,
East Godavari District

..... PETITIONER

AND

The General Manager, District Co-operative Central Bank
Kakinada, East Godavari District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent herein in issuing the proceedings dt 25-2-2005 by dismissing the petitioner from service even before the expiry of the time stipulated for submitting explanation is illegal, arbitrary, unjust, contrary to well established principles of law and as such liable to be set a side by further directing the respondent to reinstate the petitioner forthwith along with all benefits and wages and pass such other order or orders as may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent: MR.C.V.MOHAN REDDY

The Court at the admission stage made the following :

ORDER:

Questioning the action of the respondent herein in issuing proceedings dated 25-2-2005 by dismissing the petitioner from the service, even before the expiry of the time stipulated for submitting explanation, the petitioner filed the present writ petition.

Learned counsel for the petitioner contended that the petitioner was given time up to 22-5-2005 vide proceedings dated 15.2.2005. But without there being any explanation, the impugned order has been passed. Therefore, there is violation of

principles of natural justice.

Learned counsel appearing for the respondent bank contended that the final order dated 25-2-2005 clearly shows that the explanation to the show cause notice dated 15-2-2005 should be submitted on or before 22-2-2005 and therefore the order does not suffer from any legal infirmity.

Admittedly, an appeal lies to the Committee headed by the Collector. Insofar as violation of principles of natural justice is concerned, learned counsel for the petitioner placed a strong reliance on the date as mentioned in the proceedings of the respondent dated 15-2-2005, which shows that the petitioner should submit his explanation on or before 22-5-2005. It seems that the date might have been mistakenly mentioned as 22-5-2005 in the show cause notice dated 15-2-2005. But, in the impugned order dated 25-2-2005, it is mentioned that the petitioner was directed to submit his explanation on or before 22-2-2005. Since the petitioner did not avail that opportunity, he cannot complain that there is violation of principles of natural justice.

Therefore, the Writ Petition is de void of merits and the same is accordingly dismissed with a liberty to the petitioner to file an appeal before the appellate authority. No costs.

K.C. Bhanu, J.

7th April 2005

js.

To

1. The General Manager, District Co-operative Central Bank
Kakinada, East Godavari District

2. 2 CD copies.